REMARKS

In response to the present office action, Applicants present the following. Twenty-six claims remain pending in the application: claims 1-26. Applicants have not made any claim amendments; however, the attached listing of claims beginning on page 2 is provided for the Examiner's convenience. Reconsideration of claims 1-26 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §102

1.   Claim 1 stands rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,406,260 (Cummings et al.).

Cummings et al. discloses a network security system for detecting removal of electronic equipment. The network security system includes an isolation power supply which supplies a continuous direct current power signal to a plurality of current loops (See Cummings, column 3, lines 53-56). Each current loop corresponds to a computer device within the network. A return signal in each of the current loops is coupled to an op-amp voltage to current converter. The op-amp voltage to current converter converts the voltage to a desired current level which in turn is applied to a logic NAND gate. The logic NAND gate detects discontinuities in the current loops and provides an output indication to an alarm which indicates removal of one or more of the computer devices within the network (See Cummings, column 6, lines 12-20). Thus, the system described in Cummings et al. detects removal of a computer through the use of current loops and a NAND gate. This solution requires additional hardware

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and physical components (for example, the housing 60, the op-amp voltage to current

converters 34a-d, the logic NAND gate 38, etc.) to be installed and utilized in the

network.

In contrast, Applicants' independent claim 1 recites a "CPU <u>including</u>

<u>security software</u> for detecting unauthorized disconnection of the electronic equipment

from the network." In Applicants' claimed invention, the detection of an unauthorized

disconnection is done by the security <u>software</u> on the CPU. As described above,

Cummings et al. teach the use of current loops and a NAND gate (i.e., hardware) for the

detection of a disconnected device.

M.P.E.P section 2131 states "A claim is anticipated only if each and every

element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631,

2 USPQ2d 1051, 1053 (Fed. Cir. 1987)... The identical invention must be shown in as

complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d

1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)."

The Examiner cites column 5, lines 17-22 of Cummings et al. for the

proposition that Cummings et al. teaches software for detecting disconnection of the

equipment, and sending an alarm to a security station (*See* page 2, paragraph 3 of

outstanding office action). This section of Cummings et al. recites:

> In addition, <u>the alarm output signal</u> may be further used to
> activate the operation of additional security related functions
> which may include an alarm status notification to designated
> authorities via a telephone link amongst other possible
> functions known throughout the field (underlining added).

As described at column 5, lines 9-16 of Cummings et al. (directly before the section cited

by the Examiner):

> The output of the NAND gate in turn provides <u>an alarm output</u>
> <u>signal</u> to an alarm 40...Accordingly, a "high" signal on each
> NAND gate input which is indicative of unbroken current loop

> continuity will result in a "low" alarm output signal. Whereas, a "low" signal on any input which is <u>indicative of a current loop discontinuity</u> will result in a "high" alarm output signal (underlining added)."

Therefore, while the alarm output signal may be <u>further used</u> to activate the operation of additional security related functions, the NAND gate in combination with the current loops (i.e., hardware) are the physical components that detect a discontinuity in the network. That is, the described "additional security related functions" act in response to the detected disconnection, and do not themselves actually detect the disconnection. Accordingly, Cummings et al. does not include security software that detects unauthorized disconnection of an electronic device from a network. Thus, Cummings et al. does not disclose or teach a "CPU <u>including security software for detecting unauthorized disconnection</u> of the electronic equipment from the network," as recited in claim 1.

Therefore, because Cummings et al. does not teach each and every element as set forth in claim 1, as required by M.P.E.P. section 2131, Applicants respectfully submit the rejection is overcome and claim 1 is in condition for allowance.

Claim Rejections - 35 U.S.C. §103

2.   Claims 2-26 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,406,260 (Cummings et al.).

Having overcome the rejection of claim 1 under 35 U.S.C. § 102, Applicants will additionally address the pending rejection under 35 U.S.C. § 103(a) with regard to claim 1. As described above, Cummings et al. teaches a hardware solution including a current loop and NAND gate for detecting disconnection of a device from a network. There is no suggestion in Cumming et al. that the system of Cummings et al. could be modified to include security <u>software</u> for detecting unauthorized disconnection of electronic equipment. Furthermore, there would be no motivation to

modify the system of Cummings et al. to include the claimed security software because

the system of Cummings et al. already provides hardware for detecting a discontinuity

in the network. That is, there is no need to add security software that detects a

disconnection to a system that already provides the function of detecting discontinuity

in a network. Therefore, Applicants respectfully submit that Cummings et al. does not

teach or suggest a "CPU including security software for detecting unauthorized

disconnection of the electronic equipment from the network," such as is claimed by

Applicants. Thus, Applicants respectfully submit that claim 1 is in condition for

allowance. Applicants further submit that claims 2-8 are in condition for allowance at

least because of their dependency upon allowable claim 1.

M.P.E.P section 2143, entitled "Basic Requirements of a *Prima Facie* Case of

Obviousness" states:

> To establish a *prima facie* case of obviousness, three basic criteria
> must be met. First, there must be some suggestion or motivation,
> either in the references themselves or in the knowledge
> generally available to one of ordinary skill in the art, to modify
> the reference or to combine reference teachings. Second, there
> must be a reasonable expectation of success. Finally, the prior art
> reference (or references when combined) must teach or suggest
> all the claim limitations (underlining added).

Additionally, M.P.E.P. section 2143.01 states:

> The mere fact that references can be combined or modified does
> not render the resultant combination obvious unless the prior art
> also suggests the desirability of the combination. *In re Mills*, 916
> F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

With regard to claims 5, 9, 13, 14, 19, 21, 22 and 23, the Examiner states on

page 3, paragraph 5 of the current office action that "Cummings discloses that a known

method of theft detection is through polling the clients (column 1 lines 54-57). It would

have been obvious to one of ordinary skill in the art that polling would be used with

Cummings system, if hardware was already in place, since it would require no

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rewiring."

Wiring is used in almost any computer network in order to connect computers. Many different things can be done to a network because of the wiring, however, this alone does not suggest that they would be done. Having wiring in place in order to transmit polling signals does not in itself provide any motivation to incorporate such a feature into the system of Cummings. In fact, the system of Cummings et al. specifically provides an alternative to a polling system, thus Cummings et al. teaches away from incorporating polling into their system. Thus, the Examiner's statement that it "would have been obvious...that polling would be used with Cummings system...since it would require no rewiring," is not sufficient to provide motivation to modify Cummings as suggested by the Examiner because "the mere fact that references can be...modified" does not render the resultant obvious unless the prior art also suggests the desirability of the modification. (*See* M.P.E.P section 2143.01).

Furthermore, the system of Cummings et al. provides a current loop and NAND gate to detect disconnection of a device from a network. Therefore, Cummings already includes a method for detecting removal of a device from a network using hardware. Thus, one of ordinary skill in the art would not be motivated to modify Cummings to include a polling system because a method for detecting disconnection of a computer is already provided by the hardware system of Cummings et al. Such an additional feature would provide no added benefit to the system of Cummings et al. Thus, while no rewiring would be required, there is no motivation to modify the system of Cumming et al. to include polling as suggested by the Examiner. Therefore, Applicant respectfully submits that a prima facie case of obviousness has not been made by the Examiner, that the rejection is overcome, and that claims 5, 9, 13, 14, 19, 21, 22 and 23 are in condition for allowance.

Further regarding claim 5, the Examiner has stated that polling could be

used with the system of Cummings et al. However, claim 5 recites elements that the Examiner has not shown in Cummings et al. For example, the Examiner has not identified anywhere in Cummings et al. that teaches or suggests "means for determining if the at least one client computer is logged on to the network." Additionally, the Examiner has not identified any motivation for modifying the system of Cummings et al. to include Applicants recited "means for determining if the at least one client computer is logged on to the network." Therefore, because the Examiner has not provided any motivation to modify the reference and has not shown where Cummings et al. teaches or suggests all of the claim limitations of claim 5, a prima facie case of obviousness has not been made as required by M.P.E.P section 2143. Furthermore, Applicants submit that Cummings et al. does not teach or suggest all of the limitations of claim 5. Thus, for this additional reason, Applicants submit claim 5 is in condition for allowance.

Regarding independent claim 9, similarly to claim 5, the Examiner has failed to indicate where Cummings et al. teaches or suggests many of the elements of claim 9. For example, claim 9 recites a "plurality of server computers having server security <u>software</u> installed thereon and the plurality of client computers having client security <u>software</u> installed thereon; the server security software includes means for: <u>determining which of the plurality of client computers are logged on to the network</u>." The Examiner has not identified any portion of Cummings et al. that teaches or suggests these limitations. Additionally, the Examiner has not identified any motivation for modifying the system of Cummings et al. to include the recited limitations of claim 9. As described above, Cummings et al. describes a hardware solution, not a system including security software. Applicants respectfully submit that Cummings et al. does not teach or suggest client computers having security software and server computers having security software for "determining which of the plurality if client computers are logged on to the network," as claimed by Applicants. Thus, Applicants respectfully

submit that a prima facie case of obviousness has not been made and that the rejection of claim 9 is overcome.

Similarly to claim 9, independent claims 19, 22 and 23 also all contain limitations for which the Examiner has failed to provide any statement as to where these limitations are taught or suggested by Cummings et al. Additionally, the Examiner has not identified any motivation for modifying the system of Cummings et al. to include the recited limitations of claims 19, 22 and 23. Furthermore, Applicants submit that Cummings et al. does not teach or suggest limitations of Applicants claimed invention. Specifically, for example, independent claim 19 recites server security software including "means for determining if the at least one piece of electronic equipment is interconnected to a network containing the central processing unit." Claim 22 recites, for example, "means for logging the electronic equipment onto a network containing a central processing unit, wherein the central processing unit includes server security software installed thereon." Claim 23 recites, for example, "logging the plurality of client computers and the plurality of server computers onto the network; the server security software enabling the steps of: determining which of the plurality of client computers are logged on to the network." Thus, for the same reasons as above, Applicants respectfully submit that a prima facie case of obviousness has not been made and that the rejection of claims 19, 22 and 23 is overcome.

Applicants respectfully submit that all of the independent claims 1, 9, 19, 22 and 23 are in condition for allowance at least for the reasons set forth herein. Furthermore, Applicants submit that claims 2-8, 10-18, 20-21, and 24-26 are in condition for allowance at least because of their dependency upon an allowable independent claim.

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CONCLUSION

Applicants submit that the above amendments and remarks place the

pending claims in a condition for allowance. Therefore, a Notice of Allowance is

respectfully requested.

Respectfully submitted,

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Martin R. Bader
Reg. No. 54,736
Attorney for Applicants
(858) 552-1311

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603